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Bernardo Nicolas Sanchez

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03/30/2009

GOWAN INTELLECTUAL PROPERTY  
1075 NORTH SERVICE ROAD WEST  
SUITE 203  
OAKVILLE, ON L6M-2G2  
CANADA

EXAMINER

WONG, JOSEPH D

ART UNIT

PAPER NUMBER

2166

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/532,191	<b>Applicant(s)</b> SANCHEZ, BERNARDO NICOLAS	
	<b>Examiner</b> JOSEPH D. WONG	<b>Art Unit</b> 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 December 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-7, 9 and 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7, 9, 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

Claims 1-3,5-7, 9 are amended. Claims 4, 8, and 10 are canceled. Claim 11 is new.

***Response to Arguments***

Applicant's instant arguments appear directed against the bookmark, link or URL found in Sull as the instant invention is argued to be more directed towards an "actual copy". Upon careful consideration of the instant drawings, instant arguments require appropriate citation and clarification as they appear less than completely consistent with the instant drawings. See URL expressly recited in instant Figure 1, item 120; Fig. 2, item 240; Fig. 3, item 340; Fig. 4) or annotation (Fig. 3, item 415; Fig. 5, item 540; Fig. 7, item 705; Fig. 9, item 960) toward an different embodiment directed to an "actual copy". Consequently, arguments are not persuasive and all pending claims stand instantly rejected.

**Rejection under 35 U.S.C. §102**

On page 5, last paragraph, Applicant argues that Sull does not teach "store a copy of the relevant document in separate, searchable, user-defined database". However, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "searchable, user-defined database") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van*

Art Unit: 2166

*Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In *arguendo*, instantly amended claim 1 recites "user defined separate data structure...comprises a database of stored documents..." without reciting the word "searchable". Claim 1 refers to "using a search engine to identify documents with a desired searchable content" but does not indicate the content is directly searchable but rather using a search engine which implies that using an index to perform the search would satisfy the claim. Therefore claim 1 stands rejected.

On page 6, paragraph 1, Applicant appears to argue that Sull does not teach "a complete copy of the relevant document rather than just a tag or bookmarked position...be saved to separate data structure". However, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "complete copy of the relevant document") is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In *arguendo*, instantly amended claim 1 recites "actual copy" which can be reasonably read upon Fig. 2, items 212 and 214 of multimedia content including a thumbnail image in Sull, paragraph [174]. Therefore claim 1 stands rejected.

On page 6, paragraphs 2-3, Applicant argues that Sull teaches away from being able to access the original, relevant information. However, Sull, paragraph [174] refers to a thumbnail image copy. It is noted that the feature upon which applicant relies (i.e. "original") is not recited in the rejected claim(s). In *arguendo*, considerations of teaching away are not shown to apply to anticipation rejections under 35 USC 102. Therefore claim 1 stands rejected.

Art Unit: 2166

On page 6, paragraph 4, Applicant appears to argue that Sull does not teach "stores the relevant document in a user defined separate data structure wherein said user defined separate data structure comprises a database of stored documents which are copied and stored on a storage device separate from said displayable document". However, Sull, Fig. 2, items 212, 214 achieve an equivalent effect by storing a thumbnail copy of the relevant document in a user defined separate bookmark structure which is copied and stored on a storage device separate from said displayable content as shown in Fig. 2. Therefore claim 1 stands rejected.

On page 7, paragraph 3, Applicant appears to argue that Sull does not teach that this database contains copies of the actual content not just a URL bookmark, it does not change as the web page (or other content source) is updated, the content of the specific web page that was of interest to the user is always available, and would not change over time. However, it is noted that the feature upon which applicant relies (i.e. "copies of the actual content", "not just a URL bookmark", "does not change as the web page (or other content source) is updated, "the content of the specific web page that was of interest to the user is always available", "would not change over time") are not recited in the rejected claim(s). In *arguendo*, a thumbnail is a copy of the actual content even if reduced in size. Furthermore, no citation is provided as to where these other alleged features are found in instant claim 1 or the instant specification. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore claim 1 stands rejected.

Art Unit: 2166

On page 8, paragraph 1, Applicant argues that Sull does not create a database of stored copies of the original content as required in the present application. However, Sull, Fig.2 teaches storing a thumbnail image which is necessarily a copy. Therefore claim 1 stands rejected.

On page 8, paragraph 2, Applicant argues that Sull is directed to a totally different problem which appears to be a different field of endeavor argument. Applicant further argues that the “original file content is always searchable and available”. However, field of endeavor or problem solved is not a consideration under 35 USC 102 anticipation. It is noted that the feature upon which applicant relies (i.e. “content is always searchable and available”) is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In *arguendo*, the word “always” is not shown to have a clear antecedent basis within the instant specification. Thus it would be unclear how or what Applicant is seeking to import into the rejected claim. Therefore claim 1 stands rejected.

On page 8, last paragraph, Applicant argues that “make a copy of the actual file so that it is always available, and a search can easily be conducted on the saved materials (regardless of the current status of the originally viewed file); provides more than just a listing of bookmarked positions”. However, it is noted that the above features are not specifically claimed. For “always available”, see above. For “regardless of the current status of the originally viewed file”, see above. For “more than just a listing of bookmarked positions”, see Sull, Fig. 2 which shows thumbnails in items 212 and 214. Therefore claim 1 stands rejected.

On page 9, paragraph 2, Applicant argues that Sull does not teach “save a copy of the original file, and therefore cannot conduct a comparison of the original content of the file to its

Art Unit: 2166

current version”. Applicant further argues that Sull does not teach “capability to compare a copy of the original document to the current version of the document, and thus, cannot allow the user to view the original version of the document”. However, it is noted that the feature upon which applicant relies (i.e. "conduct a comparison of the original content of the file to its current version", "capability to compare a copy of the original document to the current version of the document, and thus, cannot allow the user to view the original version of the document") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In arguendo, the word “capability to compare” is internally not commensurate with “a comparison of the original content of the file to its current version”. Even if the limitation was necessarily and always present at the time of examination which the Examiner is not persuaded is the instant situation, it would be somehow unclear which of the competing scopes Applicant is seeking to advance. No citation is provided to the instant specification so it is unclear if such a limitation satisfies the written description requirement. Therefore claim 1 stands rejected.

On page 10, paragraph 2, Applicant argues that Sull does not teach "storing the original content of the file in a separate database so that the original content is always searchable and available to the user". This is analyzed and discussed above. Therefore claim 1 stands rejected.

On page 10, paragraph 5, Applicant argues that Sull does not teach the document is stored in addition to, or together with, the original content in the manner described in the present invention. However, Sull, Fig. 2 shows a thumbnail with the bookmark. It is noted that the

Art Unit: 2166

feature upon which applicant relies (i.e. " stored in addition to", "together with") are not recited in the rejected claim(s). Therefore claim 5 stands rejected.

On page 11, paragraph 3, Applicant argues that Sull does not teach video "1812" as it is nothing more than the database of stored bookmarks. However, Sull, Fig. 2 clearly shows thumbnail image copies inside the bookmark. Therefore Applicant's characterization of Sull is shown incorrect. Consequently claim 5 stands rejected.

On page 11, paragraph 6, Applicant argues that Sull does not teach "saving a copy of the original information". However, Sull shows a copy of the information in Fig. 2 where the specification of Sull states that a thumbnail image is saved with the bookmark as discussed in Sull, paragraph [174]. Therefore claim 6 stands rejected.

On page 12, paragraph 2, Applicant argues that Sull does not teach "saving a copy of the original document on a user defined separate data structure". However, this argument is not commensurate with Applicant's instantly amended claim which recites "storing an actual copy of said relevant document to a user defined separate data structure". In arguendo, the instantly claimed limitation is met because Sull, paragraph [174] discusses a thumbnail image in Fig. 2 which is an actual copy of said relevant document to a user defined bookmark. Therefore claim 7 stands rejected.

On page 12, paragraph 3, Applicant argues that Sull does not teach storage of a copy of a relevant document in a user defined database and providing the user with the ability to search the user defined database in order to access the relevant documents regardless of whether the original source of the relevant document is still available to the user. However, it is noted that the feature upon which applicant relies (i.e. " copy of a relevant document **in** a user defined



Art Unit: 2166

database”, “**ability to search** the user defined database in order to access the relevant documents”, “regardless of whether the original source of the **relevant document is still available** to the user”) are not recited in the rejected claim(s). In arguendo, no citation is provided to the instant claims or instant specification. Therefore claim 1 stands rejected.

On page 13, paragraph 5, Applicant argues that page 4 of the specification "would require an actual copy of the original document to be saved". However, instant specification paragraph [29] as instantly published recites a mere preference than some condition that is necessarily and always true:

[0029] Accordingly, while the text of the document alone might be the only item stored, it is preferred that the file location, URL and the like also be stored in order that the original document could be recalled, and/or updated copies of the documents or Internet web pages can be retrieved for viewing. Preferably, the user is provided with the option of viewing either the original document, or the updated document...

Paragraph [29] clearly recites an alternative of viewing the updated document thereby necessarily presenting an express alternative to the original document being saved. Specifically, the phrase “actual copy” or its antecedent scope equivalent is not clearly cited within the instant specification. See claim rejections below under 35 USC 112, 1<sup>st</sup> as necessitated by the instant claim amendment for further analysis and discussion.

On page 13, paragraph 7, Applicant argues that Sull does not teach “make an copy of the original document...search the original documents”. However, this argument that the claim has been amended to be searched and displayed is not commensurate with instant claim 1 which merely recites "searchable" and "displayable" which appear to be recited as some intended use or

Art Unit: 2166

capability over argument which refers to a completed step. Applicant argues that a copy is necessary however appropriate counterexample means of searching by index or displaying by delta updates or abridged snapshots would appear to reasonably question whether the actual copy of the original is a requirement as alleged. Therefore claim 1 stands rejected.

On page 14, paragraph 1, Applicant argues that a bookmark has no relevant content and cannot be considered to be a "partial" copy of the original document. However, Sull, Fig. 2, items 212 and 214 and Sull, ¶[174], clearly recite a thumbnail image as an abridged snapshot copy which is not specifically addressed within Applicant's argument. Therefore claim 1 stands rejected.

On page 14, paragraph 3, Applicant argues that it is somehow implicit that an actual copy of the original document requires that a complete copy be saved. However, this argument is not persuasive because Sull, paragraph ¶[174] provides a counter example of thumbnail snapshots. Applicant has not provided antecedent basis or clear citations supporting "actual copy" so it is difficult to see where this "complete copy" or "actual copy" are in the instant specification. In arguendo, if applicant were to amend the instant claim to recite "complete copy" without an appropriate citation to the instant specification, this amendment would be subject to a 112, 1st paragraph review requiring a citation to the instant specification as to where is the support for such an argument.

#### Rejection under U.S.C. §103

Arguments against the rejection of claim 9 are treated under claim 1.

For at least the reasons above, all pending claims stand instantly rejected.

### ***Specification***

The amendment to the specification filed 28 April 2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material at page 2, line 28 and page 5, line 20 appears without a showing of support in the original disclosure. The instantly amended word "separate" is added as underlined. The abstract and instant specification paragraph [38] as instantly published show the phrase behind an "intended use" clause of "for" while the proposed amendments appear to change the invention in a manner not shown to be previously supported. Appropriate correction or clarification is requested..

Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Claim Objections***

**Claim 11** is objected to for not ending the claim a period. See MPEP 608.01(m) [R-7].

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Art Unit: 2166

**Claims 1-3, 5-7, 9** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 recites the phraseology of “actual copies” without citing an appropriate supporting citation to the instant specification as the phrase did not instantly appear in the instant specification. Therefore dependent claims 2-3, 5-7 are rejected accordingly.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1, 9, and 11** recite the limitation "said original stored copy" without sufficient antecedent basis in the instant claims.

**Claim 1** recites “desired searchable content” which invokes an unclear relative term without identifying who desires the content or to what degree in claim 1.

**Claims 9 and 11** are rejected for reciting phraseology of “said relevant content” without sufficient antecedent basis in the instant claims.

This is a new ground of rejection necessitated by the instant claim amendment.

Appropriate correction or citation to the instant specification is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Sull et al., (US 2002/0069218), hereinafter Sull.**

**As to claim 1**, Sull shows a computerized method of information retrieval comprising: providing a computer displayable document having searchable content (interpreted to also include “multimedia file...images that contain text”, abstract); marking said document (interpreted to include “tag or bookmark”, abstract; Fig. 2), with a marking device (interpreted to include “bookmark”, paragraph [53]; Fig. 2; paragraph [0172]), as being a relevant document (paragraph [376]); storing an actual copy of said relevant document (Fig. 2A, items 212, 214, show partial copy of document stored with bookmark) to a user defined separate (interpreted in light of the specification to be any distance or degree of separation e.g. Fig. 6 wherein the metadata and pointer, e.g. item 608 are separate from the content, e.g. item 606) data structure (interpreted to include “bookmarked position”, Fig. 12; [0211]) wherein said user defined data structure comprises a database of stored documents (Fig. 33) which are copied and stored on a storage device (Fig. 18) separate from said displayable document (wherein the degree or distance of separation is interpreted to be met by Fig. 6, items 608, 606); and conducting a search of a

Art Unit: 2166

number of said actual copies of said relevant documents (Fig. 2A, items 212, 214, show partial copy of document stored with bookmark) using a search engine to identify documents with a desired searchable content (paragraph [53]), Fig. 15; [214]); (see ¶[518], Figs. 43-44; Claim 72) selecting, using a selection device (Fig. 2; paragraph [0172]), the documents identified as having said desired searchable content (paragraphs [0051-0053]), and displaying said original stored copy (interpreted to include “refresh frames”,, paragraphs ¶[301, 313]) (interpreted to include “query”, “search”, and “play”, from Fig. 6, 3, 2).

**As to claim 2**, Sull shows a computerized method as claimed wherein a visible document is displayed, and said computerized method is operated by accessing a computerized device selected from the group consisting of stand alone computers, laptop computers, (Fig. 45, item 4524), PDA's (Fig. 45, item 4522), and an Internet enabled cellular phones (Fig. 45, item 4518). ([35])

**As to claim 3**, Sull shows a computerized method as claimed wherein said document is selected from the group consisting of Internet web pages (Fig. 61), word processor documents (interpreted to be optional), spreadsheets (interpreted to include a “matrix”, [380]), e-mails ([355, 365]), and a database file (paragraph [380]).

**As to claim 5**, Sull shows a computerized method as claimed wherein said document is stored on said separate storage device (Figs. 18-19, wherein the video is stored in a video server, element 1804 and the server network has the video database connected to element 1804, element

Art Unit: 2166

1806 as per paragraphs [270-271], where separate is interpreted to mean distinct in occurrence) together with a file location and name, or with a URL addresses specific for said document (paragraphs [172-173, 321]).

**As to claim 6**, Sull shows a computerized method as claimed wherein said document is stored on a separate storage device selected from the group consisting of said user's computer (Fig. 68, item 6808, “metadata db” and item 6810, “video streams” storage cylinders), local storage device, remote storage device ([328]), network storage device ([411]), Internet storage device ([521]), and Application Service Provider storage device ([290]).

**As to claim 7**, Sull shows a computerized method as claimed wherein said searchable content is selected from the group consisting of text (Fig. 15, items 1516, 1518), highlighted text ([349], [355], [363]), notes ([288]), annotations ([288]), summaries (Table 4, [366]) and attachments ([353]).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sull in view of Tims et al, (US 6,151,626) hereinafter Tims.**

Art Unit: 2166

**As to claim 9**, Sull does not explicitly show a computerized method as claimed wherein access to said relevant content is controlled by a permission based authorization system.

However, Tims, shows a computerized method as claimed wherein access to said relevant content is controlled by a permission based authorization system. (see claim 16)

Sull and Tims are analogous art pertinent to the problem to be solved. A skilled artisan would have been motivated to combine Sull and Tims because it provides for restricted access to certain games or other services where payment is required as discussed in Tims, Col. 1, Lines 17-20.

Therefore at the time of invention, it would have been obvious to a person having ordinary skill in the art to combine Sull and Tims because it provides for restricted access to certain games or other services where payment is required as suggested in Tims, Col. 1, Lines 17-20.

**Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sull in view of Bates et al, (US 6,088,707) hereinafter Bates.**

As to claim 11, Sull does not expressly teach a computerized method of information retrieval as claimed comprising: comparing said stored document with an updated copy of said stored document; and displaying an updated image of said selected document, in place of said original stored copy.

However, Bates teaches expressly teach a computerized method of information retrieval as claimed comprising: comparing said stored document with an updated copy of said stored



Art Unit: 2166

document; and displaying an updated image of said selected document, in place of said original stored copy (see claims 1c, 12b, 41, 55c) .

Sull and Bates are analogous art pertinent to the problem to be solved. A skilled artisan would have been motivated to combine Sull and Bates because it provides for improving the determination and display of the update status of documents as discussed in Bates, Col. 2, Lines 27-30.

Therefore at the time of invention, it would have been obvious to a person having ordinary skill in the art to combine Sull and Bates because it provides for improving the determination and display of the update status of documents as suggested in Bates, Col. 2, Lines 27-30.

### ***Conclusion***

Applicant's amendment necessitated the amended citations (or new ground(s)) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

Art Unit: 2166

will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

If applicant still believes there is patentable subject matter within the disclosure and has reasons why those differences define over the prior art, then applicant can look to MPEP § 324 IV (September 2007) and 37 CFR 1.114 for additional suggestions that may be helpful for overcoming the finality of this Office Action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Wong whose telephone number is (571) 270-1015. The examiner can normally be reached on Monday through Friday, 10 AM – 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/532,191  
Art Unit: 2166

Page 18

/JDW/

Asst. Examiner, Art Unit 2166

30 March 2009

/Khanh B. Pham/

Primary Examiner, Art Unit 2166